



#17

PATENT  
Attorney Docket No. 056427-5014

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
 )  
Dirk Freund, *et al.* )  
 )  
Application No. 09/582,471 )  
 )  
Filed: August 15, 2000 )  
 )  
Title: METHOD AND MEASURING DEVICE )  
FOR DETERMINING BLOOD )  
PRESSURE )

Group Art Unit: 3736

Examiner: Nasser, Robert

RECEIVED

DEC 23 2003

OFFICE OF PETITIONS

Commissioner for Patents, **Petitions Office**  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:

**PETITION UNDER 37 CFR 1.137(b) FOR REVIVAL OF UNINTENTIONALLY  
ABANDONED U.S. APPLICATION NO. 09 / 582,471**

The above-identified application became unintentionally abandoned because a reply to the May 29, 2003 Final Office Action was inadvertently not filed within the statutory six month period, i.e., on or before December 1, 2003, with the filing of a Request for Continued Examination.

A Request for Continued Examination, accompanied with a petition for three-month extension of time, was filed on the fully extended due date of December 1, 2003. However, a response to the May 29, 2003 Office Action, as apparently required under 37 C.F.R. § 1.114, was not included with the Request for Continued Examination. Accordingly, the application has

12/23/2003 XIONDRF1 00000108 500310 09582471

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become abandoned because the requirements of 37 C.F.R. § 114 were not fulfilled. Such abandonment was unintentional.

Accordingly, Applicants hereby petition for revival of this application and include the following items:

1. Petition fee under 37 C.F.R. § 1.17(m)  
☐ Enclosed is a check in the amount of \$\_\_\_\_.00.  
☒ The Commissioner is hereby authorized to charge \$1330.00 to Deposit Account 50-0310.
2. Proper Response
  - A. An Amendment and Response to the May 29, 2003 Office Action.
  - B. Copy of the Dec. 1, 2003 Request for Continued Examination (RCE) for US Application No. 09/582,471.
3. Terminal disclaimer with disclaimer fee  
☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.  
☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity of \$ \_\_\_\_\_ for other than a small entity) equivalent to the number of months from abandonment to the filing of this petition is enclosed herewith.
4. ✓ Statement. The entire delay in filing a response to the May 29, 2003 Final Office Action until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

PATENT

Attorney Docket No. 056427-5014  
U.S. Application No. 09/582,471

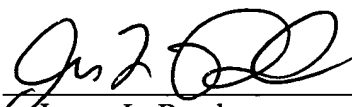
Page 3

If there are any other fees due in connection with the filing of this petition, please charge the fees to our Deposit Account No. 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: December 19, 2003

By:   
James L. Reed  
Reg. No. 43,877

**MORGAN, LEWIS & BOCKIUS LLP**

1111 Pennsylvania Ave, N.W.

Washington, D.C. 20004

Tel: (202) 739-3000

Fax: (202) 739-3001

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

THE RETURN OF THIS CARD PROPERLY STAMPED WILL  
ACKNOWLEDGE RECEIPT OF:

Transmittal Form; Fee Transmittal; Petition for Three Months Extension  
of Time; Request for Continued Examination (RCE) Transmittal;  
Certificate of First Class Mailing

Applicants: Dirk Freund, et al.

Serial No. : 09/582,471

Filed : 08/15/2000

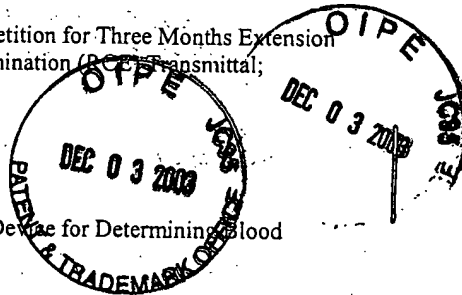
Title : Method and Measuring Device for Determining Blood  
Pressure

Attorney: J.M. Bollinger (13962)

File : 056427-5014 [1826-017]-Braun

Mailed : December 1, 2003

Mailer: rbm





Please type a plus sign (+) inside this box → ☐

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PTO/SB/21 (12-97)  
Approved for use through 9/30/00. OMB 0651-0031  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	09/582,471	
	Filing Date	08/15/2000	
	First Named Inventor	Dirk Freund, et al.	
	Group Art Unit	3736	
	Examiner Name	Nasser, Robert L.	
Total Number of Pages in This Submission	5	Attorney Docket Number	1826-017 [056427-5014]

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> To Convert a Provisional Application	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Request for Continued Examination (RCE) Transmittal, and Return Receipt Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Small Entity Statement	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	MORGAN, LEWIS & BOCKIUS LLP, CUSTOMER NO. 09629 James M. Bollinger, Esq., Registration No. 32,555
Signature	
Date	December 1, 2003

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: December 1, 2003	
Typed or printed name	Rosann Macchio
Signature	
Date	December 1, 2003

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# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 1,720.00

## Complete if Known

Application Number 09/582,471  
Filing Date 08/15/2000  
First Named Inventor Dirk Freund, et al.  
Examiner Name Nasser, Robert L.  
Art Unit 3736  
Attorney Docket No. 1826-017 [056427-5014]

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number  
Deposit Account Name

13-4520

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments  
☒ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 750	2001 375	Utility filing fee	
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$ )			

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims  -20\*\* =  X  18 =   
Independent Claims  -3\*\* =  X  84 =   
Multiple Dependent  280 =

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 84	2201 42	Independent claims in excess of 3
1203 280	2203 140	Multiple dependent claim, if not paid
1204 84	2204 42	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ )

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 410	2252 205	Extension for reply within second month	950.00
1253 930	2253 465	Extension for reply within third month	
1254 1,450	2254 725	Extension for reply within fourth month	
1255 1,970	2255 985	Extension for reply within fifth month	
1401 320	2401 160	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,300	2453 650	Petition to revive - unintentional	
1501 1,300	2501 650	Utility issue fee (or reissue)	
1502 470	2502 235	Design issue fee	
1503 630	2503 315	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 750	2809 375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 750	2810 375	For each additional invention to be examined (37 CFR 1.129(b))	770.00
1801 750	2801 375	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 1,720.00

## SUBMITTED BY

Name (Print/Type) James M. Bollinger, Esq.

Registration No. 32,555  
(Attorney/Agent)

Telephone (212) 309-2102

Date December 1, 2003

Signature

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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